

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD A. MILLER, JR.,

Plaintiff,

v.

**COUNTY OF LEBANON TRANSIT
AUTHORITY d/b/a LEBANON
TRANSIT,**

Defendant.

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Civil No. 1:17-CV-1368

Judge Sylvia H. Rambo

ORDER

In accordance with the accompanying memorandum of law, **IT IS HEREBY ORDERED** that Defendant's motion for summary judgment (Doc. 17) is **DENIED** and Plaintiff's motion for summary judgment (Doc. 22) is **DENIED**. Defendant's motion *in limine* (Doc. 25) is **GRANTED IN PART AND DENIED IN PART**. Specifically, Dr. Sivarajah's testimony is limited as follows:

- 1) Dr. Sivarajah cannot testify that Defendant's actions were discriminatory and contrary to law but can testify regarding his opinion that Plaintiff can fulfil the physical requirements of the job. (*Id.* at 5-6, ¶¶ 5-6.)
- 2) Dr. Sivarajah is precluded from testifying to his opinion set forth in paragraph 7 of his report. (*Id.* at 6, ¶ 7.) However, he can opine regarding whether Plaintiff poses a danger to himself or others when driving.

IT IS FURTHER ORDERED that the balance of the case management deadlines are set forth below:

Pre-Trial Memorandum	July 11, 2019
Proposed Voir Dire Questions	July 11, 2019
Proposed Jury Instructions	July 11, 2019
Pre-Trial Conference	July 25, 2019, at 9:30 a.m.
Jury Selection/Trial Date	August 5, 2019

s/Sylvia Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: April 2, 2019